

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA	]	
for the use and benefit of	]	
D. GINGERICH CONCRETE & MASONRY, INC.]	]	
	]	
Plaintiff,	]	Civil Action No.05-104 GMS
	]	
v.	]	JURY TRIAL DEMANDED
	]	
COAKLEY WILLIAMS CONSTRUCTION, INC.]	]	
and THE CONTINENTAL INSURANCE	]	
COMPANY	]	
	]	
Defendants.	]	

**ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT D. GINGERICH  
CONCRETE & MASONRY, INC. TO DEFENDANTS' COUNTERCLAIM**

1. Denied.
2. Denied.

**FIRST AFFIRMATIVE DEFENSE**

Defendants fail to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendant Coakley Williams Construction, Inc. breached its contract with Plaintiff.

**THIRD AFFIRMATIVE DEFENSE**

Defendant Coakley Williams Construction, Inc. failed to mitigate its damages.

**FOURTH AFFIRMATIVE DEFENSE**

Defendant Coakley Williams Construction, Inc. interfered with Plaintiff's performance of its contract.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant The Continental Insurance Company breached its obligations under the Bond.

WHEREFORE, Plaintiff D. Gingerich Concrete & Masonry, Inc. respectfully requests judgment against Defendants Coakley Williams Construction, Inc., and The Continental Insurance Company in the amount of \$143,841.40, pre-judgment interest and post-judgment interest at the prevailing legal rate, all costs of this action and such other and further relief as the Court deems just and equitable.

TIGHE, COTTRELL & LOGAN, P.A.

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